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Office of the Attorney General Consumer Alert — Debt Collection

A roommate tells you a debt collector called asking for you. That same debt collector has left messages with your family, at your workplace, and keeps calling you early in the morning and late at night. What do you do?

Unfortunately, many consumers have incurred debts they have difficulty repaying. In other cases, consumers are harassed to repay a debt that isn't even theirs. Fortunately, there are federal and District of Columbia laws that protect consumers and prohibit debt collectors from using certain practices that may be abusive, unfair, or deceptive to consumers. Under these laws, there are steps that you can take to limit a debt collector's contact with you or to learn more about the debt collector's claim. You can also report problematic collection practices to the Office of the Attorney General for the District of Columbia.

Can they do that?

Calls

Debt collectors can call you to talk to you about your debt. When they call you, they must identify themselves as debt collectors.

But, they cannot:

- ◆ call you before 8 a.m. or after 9 p.m., unless you tell them that's when you would like to speak to them;
- ◆ call your workplace if they know, or have a reason to know, that you cannot receive calls at work;
- ◆ call you repeatedly with the intent to harass you;
- ◆ threaten you with harm, threaten to arrest you, or use obscene or abusive language;
- ◆ lie to you. For instance:
 - they cannot say they are going to sue you unless they plan to do it; and
 - they cannot pretend to be someone else, like a police officer.

Contacts with Neighbors, Family or Friends

Debt collectors can contact other people if they are trying to locate you.

But, they cannot:

- ◆ communicate with that person more than once unless the debt collector believes that the location information that person provided was wrong or incomplete, and that person now has more complete and accurate information; and
- ◆ tell others about your debt (except for your spouse, your parents if you are a minor, or your attorney).



Connect with the Office of the Attorney General

441 4th Street, NW, Washington, DC 20001

Phone: (202) 727-3400 Fax: (202) 347-8922 TTY: (202) 727-3400

Email: dc.oag@dc.gov

CONSUMER HOTLINE — (202) 442-9828

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What if I Don't Owe the Money, or I'm Not Sure if I Owe it?

Within the first 30 days:

When debt collectors first contact you, they should tell you the amount that you owe, the name of the creditor, and that you have 30 days to dispute the debt in writing.

If, within 30 days of being first contacted by the debt collector, you **write** disputing the debt, or requesting the name and address of the original creditor, the debt collector must stop all collection efforts until they provide you with the information you sought: verifying the debt, or identifying the creditor. (For a form letter you can use, go to <http://bit.ly/DebtCollectionMoreInfo>)

After the first 30 days:

You can still write to dispute the debt 30 days after being contacted by the debt collector, and the debt collector must still verify the debt or identify the creditor. But debt collectors do not have to stop all collection efforts while these later requests are pending.

What Can I Do to Stop the Calls?

You can write a letter to the debt collector telling them to stop contacting you. (For a form letter you can use, go to <http://bit.ly/DebtCollectionStopContacting>) After receiving your letter, a debt collector should not contact you again except to say there will be no further contact or to notify you that they intend to take some specific action.

This letter does not make the debt go away if you actually owe it. The debt collector can still sue you or report negative information to credit reporting agencies. But, if debt collectors call to ask you to pay after they receive this letter, they are violating the law.

Can They Take My Benefits?

Certain forms of income are generally protected from collection by creditors, such as:

- ◆ Public Assistance/TANF;
- ◆ Social Security Benefits (SSI, SSDI);
- ◆ Veterans' Benefits;
- ◆ Disability and Unemployment Benefits;
- ◆ Pensions (public and private);
- ◆ Worker's Compensation; and
- ◆ Alimony or support necessary for the support of you or your dependents (e.g. child support).

If your only source of income is one of these, you can write to the debt collector to tell them about your protected income. (For a form letter you can use, go to <http://bit.ly/DebtCollectionJudgmentProof>)



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What About Debt From a Long Time Ago?

Generally, a debt collector must bring an action to sue you on the debt within three years of when you made your last payment on the account. If they have waited longer than this, they may have lost their right to sue you in court.

The debt may still appear on your credit report, however, as most debts can remain on your credit report for seven years.

Can the Debt Collector Add Costs and Legal Fees to the Debt?

Under District law, debt collectors cannot add their costs to the debt. But they can add legal fees of up to 15% of the debt if your contract with the creditor allows this.

I Have Been Sued. What Do I Do?

Do not ignore the court papers! The summons will give you a certain number of days to file a written response and to appear in court. It is important to respond, especially if you do not believe that the debt is yours or if you don't owe as much as the debt collector claims. If you do not respond to the summons, a judgment may be entered against you and the debt collector can attempt to garnish your wages or take funds from your bank account.

If you have been sued and can't afford a lawyer, you can contact:

- ◆ The Legal Aid Society: 202-628-1161
- ◆ Neighborhood Legal Services: 202-832-6577
- ◆ Legal Counsel for the Elderly: 202-434-2120 (age 60 or older)

What Should I Do If I Believe a Debt Collector is Violating the Law?

File a complaint with the District of Columbia Attorney General's Office of Consumer Protection by:

- ◆ *calling* our hotline at (202) 442-9828,
- ◆ *emailing* consumer.protection@dc.gov or
- ◆ *writing* to us at:

Office of Consumer Protection
Office of the Attorney General
441 Fourth Street, N.W., Suite 600 South
Washington, D.C. 20001



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